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10/632,296

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EXAMINER

NGUYEN, THU V

ART UNIT

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3661

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,296	Applicant(s) KELLEY ET AL.	
	Examiner Thu Nguyen	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 35 is/are pending in the application.
- 4a) Of the above claim(s) 20-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/31/03; 8/28/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The response to the restriction requirement filed on April 5, 2007 is acknowledged. By this response, the species group 1 (including claims 1-19 and 35) has been elected with traverse. Upon considering applicant's argument, the examiner decides to maintain the restriction requirement (refer to section "response to argument" below), accordingly, claims 1-19 and 35 are examined in this office action.

Claim Objections

1. Claims 1 are objected to because of the following informalities:

In claim 1, line 36-37, the claimed "first and second desired destinations" should be corrected to "the first and second desired destinations" to specifically refer to the destinations in claim 1, line 17.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-19, 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In claim 1, line 2, the claimed "having a storage subsystem" is ambiguous. It is not clear if the storage subsystem is a subsystem of the GPS navigation system in line 1-2 or if is a subsystem of the agenda replicator system, or it is just a device connected to the GPS navigation system and the agenda replicator system.

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- In claim 1, line 4, the claimed "having a route planning subsystem" is ambiguous. It is not clear if the route planning subsystem is a subsystem of the GPS navigation system in line 1-2 or if it is a subsystem of the agenda replicator system, or it is just a device connected to the GPS navigation system and the agenda replicator system.
- In claim 1, lines 33-34, the claimed "and to be loaded at least in part with data from the first data entry means" is ambiguous. Claim 1, lines 20-23 discloses that the data entry means input the user selected destination. Claim 1, lines 30-33 disclose that the first data structure include desired destination information (which are the destination as defined in lines 16-17 of the claim), It is not clear why the destination selected by the user should be loaded (again) with the user selected destination.
- In claim 2, line 2, the claimed "a storage subsystem" is ambiguous, it is not clear if the storage subsystem in the claim is the same device as the storage subsystem stated in claim 1, line 2?
- In claim 2, line 5, the claimed "a first memory" is ambiguous and confusing. It is not clear if the storage subsystem is a subsystem of the first computer system, therefore, it is not clear if the first memory device is the same first memory stated in claim 1, line 14.
- In claim 2, line 7, the claimed "a second memory" is ambiguous and confusing. It is not clear if the storage subsystem is a subsystem of the first computer system, therefore, it is not clear if the second memory device is the same second memory stated in claim 1, line 16.
- In claim 2, line 10, the claimed "a third program component for providing" is ambiguous and confusing. It is not clear if the third program component is program component of the first computer system, therefore, it is not clear which devices (the first computer

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system, or the storage subsystem, or the GPS navigation device) that provide the user-initiated command.

- In claim 2, lines 11-12, the claimed "first and second desired destinations from the first computer system through the input portal" is ambiguous, are the desired destinations the first and second desired destinations stated in lines 8-9 of the claim?
- In claim 3, line 2, the claimed "the storage subsystem" is ambiguous. It is not clear if the storage subsystem refer to the storage subsystem of claim 1, line 2 or of the storage subsystem of claim 2, line 2?
- In claim 8, lines 2, the claimed "the agenda table" lacks of antecedent basis.
- In claim 9, line 10, the claimed "a first memory" is ambiguous. It is not clear if the first memory is the same memory as the first memory stated in claim 9, line 6.
- In claim 13, line 2, the claimed "a first memory " is ambiguous, it is not clear if the first memory is the same memory as the first memory stated in claim 9, line 6.
- In claim 16, lines 2, 4, 8, the claimed "a first memory " is ambiguous, it is not clear if the first memory is the same memory as the first memory stated in claim 9, line 6.
- In claim 16, line 12, the claimed "the first storage subsystem" lacks of antecedent basis.
- In claim 17, line 12, the claimed "the second computer system" lacks of antecedent basis.
- Claim 35 is similarly rejected as explained in claims 9 above.
- Other claims are rejected as being dependent on the rejected base claims

Due to serious 112 problems. The cited prior arts made of record below are just arbitrarily selected.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knockerart et al (US 6,622,083).

As per claim 1, Knockart discloses a computerized GPS navigation system of the type installed on an automotive vehicle (col.4, lines 19-31), and having a storage subsystem for storing at least a plurality of user-selected addresses intended as an agenda to be traveled with the assistance of the GPS navigation system (col.5, lines 1-10), and having a route-planning subsystem for assisting a vehicle user with the navigational tasks relative to traveling to such selected addresses (col.1, lines 32-36; col.8, lines 52-55), a computerized agenda replicator system, operable by at least a first regular user of the on-road vehicle, for transferring personal agenda information developed within such a replicator system when away from the on-road vehicle, into the vehicle's storage subsystem (col.4, lines 49-67), the replicator system comprising: a first computer hardware system, operable by a user to acquire and store, apart from any vehicle and any GPS navigation system, personal travel agenda information for later transfer to a storage subsystem of a GPS navigation system of an automotive vehicle for use by the navigation system (col.4, lines 1-12); a second memory operable for storing selected personal travel agenda information including at least first and second desired destinations (col.5, lines 6-9); a first visual display (col.4, lines 54-57; col.6, lines 55-56); at least first data entry means operable by a user of the replicator system for selectively entering into the first

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computer system data constituting personal travel agenda information including desired destination information (col.4, lines 57-64); at least first data transfer means operable for automatically transferring data constituting personal travel agenda information including desired destination information stored in the first computer system to an output portal for transfer outside of the first computer system (col.8, lines 61-67; col.9, lines 1-15); and a first computer software system for controlling at least part of the first computer hardware system, the software system including a first program component for providing a first data structure for holding within the second memory (col.8, lines 61-67; col.9, lines 1-10), personal travel agenda information selected by the user, the data structure being arranged to include desired destination information and to be loaded at least in part with data from the first data entry means, and a second program component for providing, upon user command, a transfer of personal travel agenda information including first and second desired destinations from the second memory through the first data transfer means to the output portal (col.9, lines 61-67; col.10, lines 36-41, lines 49-56); whereby the first computer system is operable to transfer personal travel agenda information including at least a plurality of destinations stored therein to the storage subsystem of the vehicle-based navigation system (col.9, lines 61-67; col.10, lines 36-41, lines 49-56). Knockart does not explicitly teach that the first computer system including a first memory operable for holding at least temporarily first and second program components (col.6, lines 52-54) and a first visual display operable for viewing representations of at least some of the personal agenda information stored in the second memory (col.4, lines 54-57; col.6, lines 55-56). However, Knockart teaches that the first computer system is a controller capable of transferring data to the navigation system of the vehicle (col.9, lines 61-67; col.10, lines 36-41, lines 49-56), it is well known that the controller need program components for controlling the transferring data, knockart obviously encompasses teaching a memory for storing the program

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component. Knockeart further teaches that the first display provides visual information to the operator during the route planning and guidance phase (col.4, lines 54-57), displaying some personal agenda information for the user to select information need for navigation such as a pre-stored destination, or intermediate destination etc. would have been well known, one of ordinary skill in the art would have found it obvious to display on the first display of Knockeart the old and well known pre-stored data such as previously entered destination, current location, etc. because displaying such data are known to be desirable in order to save the user from having to reenter the data when navigation is sought.

As per claim 2, Knockeart teaches an input portal connectable to a storage subsystem of the GPS navigation system for receiving personal travel agenda information originating from the output portal (col.8, lines 61-67) ; a first memory associated with the storage subsystem operable for holding at least temporarily third and fourth program components; a second memory associated with the storage subsystem for storing selected personal travel agenda information including at least first and second desired destinations (col.8, lines 61-62); a third program component for providing, upon a user-initiated command, a transfer of personal agenda information including first and second desired destinations from the first computer system through the input portal (col.9, lines 4-10, lines 60-67); and a fourth program component for providing a second data structure for holding within the second memory of the storage subsystem, personal agenda information transferred through the input portal, including desired destination information (col.9, lines 62-67).

As per claim 3, Knockeart teaches a second visual display for viewing at least some of the personal agenda information stored in the second memory of the storage subsystem (col.7,

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lines 63-67); and a fifth program component for updating information associated with desired destination information being pointed to by operation of the first means (col.9, lines 28-32). Furthermore, Knockeart teaches allowing the user to select a desired destination (col.9, lines 23-27), including selection means operable by the user for selectively pointing to portions of personal travel agenda information including desired destination information displayed on the second visual display would have been well known in nowadays in graphical user interface display. One of ordinary skill in the art would have found it obvious to include the well known pointing device to the system of Knockeart because including the user pointing device are known to be necessary in order to facilitate selection of certain item displayed on the display device.

As per claim 4, including a function for confirming correct receipt of transferred data in a data transfer system would have been well known and obvious. One of ordinary skill in the art would have found it obvious to include the old and well known program for confirming correct receipt of transferred data to the system of Knockeart because including a program for confirming correct receipt of transferred data are known to be ensure accurate of data transmission between two separate systems.

As per claim 5, Knockeart teaches a third program component for transferring personal agenda information resident in the storage subsystem of the vehicle-based GPS navigation system through to an output portal of the GPS navigation system back to the first computer system (col.10, lines 1-2).

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As per claim 6, Knockeart teaches a plurality of desired destinations to which a user of the agenda replicator system desires to travel (col.9, lines 60-67; col.10, lines 36-41, lines 49-56); and a plurality of personal preference selections (col.10, lines 61-67). Furthermore, including information about a sequence in which the user wishes to travel to the desired destinations, information about desired time of arrival at each desired destination; and including desired date of departure, desired time of departure, cell phone preference, scenic route preference, toll road preference and express route preference in the user preference data would have been well known and obvious matter of design choice. One of ordinary skill in the art would have found it obvious to include the old and well known sequence of destinations in which the user need to travel and the preferences information such as the desired date of departure, the toll road preferences, etc. because including the information are known to be desirable for preparing travel plan before a journey.

As per claim 7, Knockeart teaches a portable device for transferring driver information to the navigation system (col.1, lines 14-15, lines 40-67), and allowing the user to select data to be transferred to the navigation system (col.1, lines 64-67; col.2, lines 1-29), furthermore, including an electronic calendar system, specifying appointments, and allowing selection of entries of personal travel agenda information and arranging the agenda data in a table would have been well known. One of ordinary skill in the art would have found it obvious to include in the system of Knockeart the old and well known electronic calendar, specifying appointments and allowing selection of entries of personal travel agenda information because including the calendar for specifying appointments, and selection of entries of personal travel agenda system from a prestored database to be transferred to the navigation system are known to be necessary in

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scheduling and determining optimal route to follow and to provide exact navigation information at the time selected by the user.

As per claim 8, Knockeart teaches a hand portable computer personal digital assistant with a visual display unit (col.10, lines 21-25), since such the device is operated by battery power would have been well known, Knockeart obviously encompasses teaching battery power device. Furthermore, including the agenda table having fields operable to be loaded with descriptors that identify desired destinations to which the user of the system desires to travel, desired times of arrival associated with each desired destination, and at least one other item of personal travel agenda information associated with desired destinations; a third program component operable to compute a dynamic time to destination based upon a plurality of factors effecting driving time selected from the group of factors including day of the week, time of the day, amount of traffic in an area to be traveled, weather-related road conditions, type of road, reported road construction and reported of traffic slow downs; and a fourth program component forming part of the navigation system and operable for periodically updating expected time to reach a desired destination as the user is traveling to the destination, with the updates being based upon at least a plurality of factors effecting driving time selected from the group of factors including day of the week, time of the day, amount of traffic in an area to be traveled, weather-related road conditions, road type, road construction and reports of traffic-slowing incidents would have been well known features included in navigation devices available nowadays. One of ordinary skill in the art would have found it obvious to include the old and well known features to the navigation device of Knockeart because including the features in the navigation device allow accurate selection of optimal route in the navigation system.

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As per claim 9, claim 9 discloses similar features of claims 1, 4, and 6 above. Refer to claims 1, 4 and 6 above. Further including route planning capacity to the vehicle navigation system, and loading data to be transferred to another system to a memory would have been well known. One of ordinary skill in the art would have found it obvious to include the well known route planning capability to the navigation system and loading data to be transferred to a memory of Knockeart because including the route planning capability and loading data to be transferred to a memory are known to be desirable when the navigation device has enough capacity to select optimal route and to facilitate data transmission.

As per claim 10, Knockeart teaches transferring personal agenda information from the portable device to the vehicle navigation system (col.8, lines 61-67; col.9, lines 1-10). Storing data in a travel agenda table and updating the data table with the data transferred from the portable device taught by Knockeart would have been well known and obvious. One of ordinary skill in the art would have found it obvious to store data in an agenda table and to update the data table with the data transmitted from the portable device of Knockeart because updating the table are known to be necessary to allow the user to arrange various travel agenda and to save memory usage.

As per claim 11, Knockeart teaches providing navigation using the destination data downloaded (col.10, lines 44-67; col.11, lines 6-8). Furthermore, providing instruction for the navigation system of Knockeart to perform route-planning for reaching the first desired destination downloaded from the first computer system, or advising the navigation system to perform route-planning for reaching the first desired destination from the current location of the vehicle, as determined by the GPS system would have been well known and obvious. One of

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ordinary skill in the art would have found it obvious to provide the navigation instruction for performing route planning or advising the navigation system to perform route planning from the current location determined by a GPS system because including instruction for the navigation system to provide route planning are known to be necessary in order for the user to command route planning from the portable device when the task for determining route planning is at the on-board vehicle.

As per claim 12, refer to claim 11 above.

As per claim 13, refer to claim 6 above.

As per claim 14, refer to claim 3 above.

As per claim 15, allowing viewing of first portion of a planned route would have been well known and obvious in currently available navigation devices. One of ordinary skill in the art would have found it obvious to allow viewing of the first portion of the planned route from the current location to the destination because including displaying first segment of the planned route are known to be necessary to provide the user step by step maneuver and navigation when he travel along the planned route.

As per claim 16, refer to claims 1, 4, 6, 13 above. Furthermore, associating the personal preferences such as desired departure time, etc. with a second destination, and gather the data in a memory device for transferring to another device would have been well known and obvious matter of design choice. One of ordinary skill in the art would have found it obvious to include

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the old and well known features stated above to the system of Knockart because associating the personal preferences to each destination and gather the data to a memory device are known to be desirable in order to provide travel plan that is most suitable to the user and to facilitate data transmission.

As per claim 17, Knockart teaches a wireless communications link (col.7, lines 1-9).

As per claim 18, Knockart teaches a short range low power communication link (col.7, lines 6-9).

As per claim 19, since Knockart teaches a portable PDA or laptop computer system (col.6, lines 38-50) and since such the device are well known to be powered by battery and to be light weight, Knockart obviously encompasses the claimed limitation.

As per claim 35, refer to claims 9 and 6 above.

Response to Arguments

6. Applicant's election with traverse of group I in the reply filed on April 5, 2007 is acknowledged. The traversal is on the ground(s) that a single prior arts search could be made for all species. This is not found persuasive because features including deploying process software, integrating process software, sharing of process software, and accessing executing process software via virtual private network are included in the single search as asserted by the applicant.

The requirement is still deemed proper and is therefore made FINAL.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 11, 2007


THU V. NGUYEN
PRIMARY EXAMINER